



04-06-06

IFW/AF/03

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: McLeod

Serial No.: 10/699,956

Confirmation No.: 5094

Filed: November 3, 2003

For: Increasing Syndiotactic Propylene
Polymer Cast Film Line Speed

§ Atty. Dkt. No.: COS-926

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§ Group Art Unit: 1732

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§ Cust. No.: 25264

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§ Examiner: Vargot

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Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Honorable Commissioner:

CERTIFICATE OF MAILING	
37 CFR 1.10	
I hereby certify that this correspondence is being deposited on the date below with the United States Postal Service as Express Mail, Mailing Label No. <u>EQ 190570346 US</u> , in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
<u>4/4/06</u>	<u>[Signature]</u>
Date	Signature

TRANSMITTAL LETTER AND FEE AUTHORIZATION

In connection with the above identified application, Applicants respectfully submit the following documents:

1. Reply Brief.

The Commissioner is authorized to charge the fee of \$500.00, along with any additional fees that may be required for this submission, or credit any overpayments, to Deposit Account No. 03-3345.

Respectfully submitted,

[Signature]


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Examiner: Vargot

223-13-1450.



Signature

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claims, and in particular claim 71, are directed to syndiotactic polypropylene films. (See, claim 71 "homopolymer of syndiotactic polypropylene (sPP) film.") Just as it is known in the art (and in the English language) that the primary component in an "isotactic polypropylene film" is isotactic polypropylene, the primary component in a "syndiotactic polypropylene film", as recited in claim 71, is syndiotactic polypropylene. It is widely recognized that an Applicant need not describe that which would inherently flow from that described in the specification. See, *In re Davies*, 475 F.2d 667 at 671, 177 U.S.P.Q. 381 at 385 (C.C.P.A. 1973.)

Therefore, reversal of the rejection is respectfully requested.

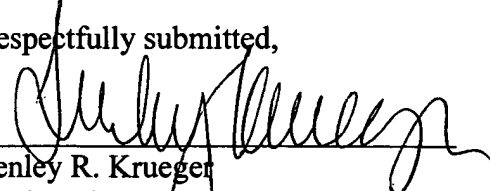
**II. THE EXAMINER ERRED IN REJECTING CLAIMS 45-47, 49-51, 54-55, 57-63 AND 65 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER SHAMSHOUM BECAUSE SHAMSHOUM DOES NOT TEACH, SHOW OR SUGGEST**

The Examiner set forth the same arguments for the §103(a) rejection as the §102(b) rejection. Applicants distinguished *Shamshoum* from the pending claims in the above discussion and feel that repeating such arguments is unnecessary. Based on such previously presented arguments, Applicants respectfully request reversal of the rejection.

**Conclusion**

In conclusion, *Shamshoum* nowhere teaches or suggests "syndiotactic polypropylene films", as recited in the pending claims. Thus, Appellants respectfully request reversal of the rejections of claims 43-71.

Respectfully submitted,



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## **Appendix A**

### *Evidence*

1. *In re Davies*, 475 F.2d 667 at 671, 177 U.S.P.Q. 381 at 385 (C.C.P.A. 1973.)